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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 STEPHEN LAWRENCE MURPHY
11 (1), and STEPHANIE BROCK
MURPHY (2),

12 Defendants.

CASE NO: 2:22-CR-0084-TOR-1, 2

ORDER GRANTING MOTION TO
CONTINUE SENTENCING

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14 BEFORE THE COURT is Defendant Stephen Murphy's Motion to Continue
15 Sentencing. ECF No. 49. The motion was submitted for hearing without oral
16 argument on an expedited basis. Having reviewed the file and the records therein,
17 the Court is fully informed.

18 On November 22, 2023, Defendants appeared before the Court and plead
19 guilty to Counts 8 and 9 of the Indictment, respectively. At the conclusion of the
20 hearing, the Court accepted their pleas but reserved ruling on the binding nature of

ORDER GRANTING MOTION TO CONTINUE SENTENCING ~ 1

1 the plea agreement until the time of sentencing, and scheduled sentencing hearings
2 for February 22, 2023. Defendant Stephen Murphy now moves, unopposed by the
3 government or co-Defendant Stephanie Murphy, to continue the hearing and
4 associated filing deadlines for at least 60 days. In support of the motion,
5 Defendant explains he additional time to prepare for sentencing and address certain
6 issues with the United States Probation Office with respect to the final Presentence
7 Investigation Report. The Court finds good cause to grant the motion and continue
8 the hearings.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 1. The sentencing hearing set for February 22, 2023, is continued to **April**
11 **26, 2023, at 9:00 a.m.**, in Spokane Courtroom 902. Absent truly exigent
12 circumstances, the Court will not consider another request for a continuance of
13 sentencing unless: (1) the request is made by written motion, (2) in accordance
14 with LCivR 7, and (3) the motion and supporting declaration are filed at least
15 seven (7) days before the scheduled sentencing hearing.

16 2. The Defendants shall remain released to pretrial supervision pursuant to
17 the conditions of release previously imposed in this matter. ECF Nos. 24, 25. **If a**
18 **sentence of incarceration is imposed, the Defendants shall be taken into**
19 **custody at the time of sentencing.**

1 3. The United States Probation Office has prepared and disclosed a draft
2 Presentence Investigation Report (PSIR) pursuant to Fed. R. Crim. P. 32 and the
3 time for filing objections has expired.

4 4. The probation officer shall submit the final Presentence Investigation
5 Report to the Court by **April 12, 2023**. The report shall be accompanied by an
6 addendum setting forth any objections counsel may have made, including those
7 that have not been resolved, together with the officer's comments and
8 recommendations thereon.

9 5. Not later than **April 12, 2023**, counsel shall file and serve all motions
10 and memoranda pertaining to Defendant's sentence, including departures and
11 variances, and sentencing recommendations. **FAILURE TO FILE AND SERVE**
12 **SENTENCING MATERIAL, TO INCLUDE MOTIONS OR MEMORANDA**
13 **FOR UPWARD OR DOWNWARD DEPARTURE AND VARIANCES, BY**
14 **THIS DATE WILL BE DEEMED A WAIVER OF THE RIGHT TO DO SO.**

15 6. Not later than **April 19, 2023**, the opposing party shall file and serve its
16 response limited to no more than seven (7) pages.

17 7. If either party intends to call witnesses or proffer exhibits at sentencing,
18 witness and exhibit lists must be exchanged by the parties and provided to the
19 Court no later **April 19, 2023**.

1 8. Counsel for defense shall notify Defendants and ensure their attendance
2 at every scheduled hearing.

3 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
4 this Order and provide copies to counsel, the United States Probation Office, and
5 the United States Marshal's Service.

6 DATED February 8, 2023.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge